

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
CARRIER CURRENT SYSTEMS)	ET Docket No. 03-104
INCLUDING BROADBAND OVER)	
POWER LINE SYSTEMS)	
)	
AMENDMENT OF PART 15 REGARDING)	ET Docket No. 04-37
NEW REQUIREMENTS AND)	
MEASUREMENT GUIDELINES FOR)	
ACCESS BROADBAND OVER POWER LINE)	
SYSTEMS)	

To: The Commission

**INFORMAL REQUEST IN THE NATURE OF A PETITION FOR
RECONSIDERATION AND FORMAL COMMENTS OF JAMES EDWIN WHEDBEE
IN SUPPORT OF PETITION FOR RECONSIDERATION FILED BY A.R.R.L.**

COMES NOW the undersigned Amateur Radio Licensee for Station N0ECN, JAMES EDWIN WHEDBEE, who pursuant to Section 1.41 of the Commission's rules and regulations (47 CFR Section 1.41) informally requests – in the nature of a petition for reconsideration from the Commission's Second Report & Order in the above-captioned proceedings – the Commission rescind entirely its rulemaking, and in lieu thereof, dismiss same with prejudice, and in support hereof, submits his comments in support of this informal request and the Petition for Reconsideration of the American Radio Relay League (ARRL) as follows.

1. ARRL correctly asserts the Commission's 2nd Report and Order in these proceedings are arbitrary and capricious in their ex ante treatment of interference by Access BPL facilities for a technological concept which has failed in the marketplace.

2. ARRL correctly asserts, in essence, that the Commission's 2nd Report and Order in these proceedings is not well-grounded by evidence, and therefore, clearly and unmistakably erroneous.
3. In essence, the Commission by and through its 2nd Report and Order and all proceedings in the above-captioned matter, has predetermined not to act in accordance with international and statutory obligations to prevent interference by an unlicensed service to a licensed radio service which, pursuant to international law, has exclusive and primary allocations on the frequencies for which Commission is refusing to require notching by Access BPL. The requirements to prevent interference, under these international laws – and particularly with respect to radio services with exclusive primary allocations – is ministerial. Such refusal to prevent interference by the Commission in these proceedings likewise violates statutory law inasmuch as those statutes ratify international obligations; accordingly, the Commission is forcing licensees to file Petitions for Extraordinary Relief in the Nature of Mandamus with the U.S. Court of Appeals to force the Commission to act has international and federal law mandates.
4. Prior to filing Petitions for Extraordinary Relief in the Nature of Mandamus or similarly designated extraordinary relief petitions, licensees are required to exhaust all available administrative remedies. This informal request intends to accomplish, once and for all, that exhaustion of administrative remedies by placing the Commission under its duty to rescind entirely these proceedings, to act as demanded by ARRL, or take other necessary steps which shall prevent entirely the interference to the Amateur Radio and Amateur Satellite Services – and particularly on

frequencies internationally designated as primary and exclusive to amateur radio. Undoubtedly, any successful licensee shall require restitution of their legal costs in accordance with the Equal Access to Justice Act. Such burdens on taxpayers and payers of regulatory fees to the Commission cannot be justified in light of the simple cure: rescind the regulations adopted in these proceedings or accede to ARRL's very reasonable demands.

5. Incorporating each of the four foregoing paragraphs hereinabove herein by reference, and for the reasons therein and those readily inferable herefrom, it is clearly in the public interest, convenience, and necessity to grant this informal request – or alternatively – ARRL's Petition for Reconsideration.

WHEREFORE, the foregoing considered, the undersigned respectfully requests the Commission vitiate these proceedings and any regulations associated with these proceedings, or alternatively, adopt the demands of ARRL as embodied within its Petition for Reconsideration to the 2nd Report and Order of the Commission, and for such other and further relief as shall be consistent entirely herewith and no other.

Respectfully Submitted,



December 28, 2011

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INFORMAL REQUESTOR/COMMENTER